

DECLARATION FOR PATENT APPLICATION

As a below named inventor(s), I hereby declare that:

My residence, mailing address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

"METHOD AND MECHANISM FOR PERFORMING A ROLLING UPGRADE OF  
DISTRIBUTED COMPUTER SOFTWARE"

the specification of which

  X   is attached hereto.  
\_\_\_\_\_ was filed on \_\_\_\_\_ as  
United States Application Number \_\_\_\_\_,  
or PCT International Application Number \_\_\_\_\_,  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), on any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>  Yes  </u>	<u>  No  </u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>  Yes  </u>	<u>  No  </u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u>  Yes  </u>	<u>  No  </u>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

I hereby claim benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached) which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor (given name, family name) Alok Kumar Srivastava  
Inventor's Signature Alok - k. Srivastava Date 3/5/04  
Residence Newark, California Citizenship India  
(City, State) (Country)  
Mailing Address 37389 Wedgewood Street, Newark, California 94560

Full Name of Second Inventor (given name, family name) Rajiv Jayaraman  
Inventor's Signature Rajiv Date March 4, 2004  
Residence Foster City, California Citizenship India  
(City, State) (Country)  
Mailing Address 665 Portofino Lane, Foster City, California 94404

Full Name of Third Inventor (given name, family name) \_\_\_\_\_  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State) (Country)  
Mailing Address \_\_\_\_\_

Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ALOK KUMAR SRIVASTAVA, et al.

Group Art Unit No.:

Not Yet Assigned

Examiner:

Not Yet Assigned

Serial No.: Not Yet Assigned

Filed on: Herewith

For: METHOD AND MECHANISM FOR PERFORMING A ROLLING UPGRADE OF  
DISTRIBUTED COMPUTER SOFTWARE

**POWER OF ATTORNEY**  
**AND REVOCATION OF PREVIOUS POWERS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Oracle International Corporation, a California corporation having a place of business at 500 Oracle Parkway, M/S 50P7, Redwood Shores, California 94065, certifies that to the best of its knowledge and belief it is the assignee or is entitled to ownership of the entire right, title, and interest in and to the above-referenced patent application by virtue of an Assignment filed concurrently herewith and represents that the undersigned is a representative authorized and empowered to sign on behalf of Oracle Corporation, which hereby revokes all powers of attorney previously given and appoints the following attorney(s) and/or agent(s):

**Customer No. 23639**  
**Bingham McCutchen LLP**  
Three Embarcadero Center, Suite 1800  
San Francisco, CA 94111-4067

and

Sanjay Prasad, Reg. No. 36,247, Roger Kennedy, Reg. No. 44,823, and Pavel Pogodin, Reg. No. 48,205 of ORACLE INTERNATIONAL CORPORATION

Oracle Matter No.

1

**OID-2002-179-01**

PA:52129069.1/2021039-7030492001

Attorney Docket No. OI7030492001

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Send all future correspondence to the attention of Peter C. Mei, Reg. No. 39,768, care of the above address and direct all telephone calls to the same at (650) 849-4870.

Assignee of Interest:

Oracle International Corporation

Dated: 3/5/2004

By: 

Name: Pavel Pogodin

Title: Patent Counsel

Address of Assignee of Interest:

Oracle International Corporation

500 Oracle Parkway - M/S 50P7

Redwood Shores, CA 94065

ASSIGNMENT OF APPLICATION FOR PATENT

WHEREAS:

ALOK KUMAR SRIVASTAVA, 37389 Wedgewood Street, Newark, CA 94560, U.S.A.

RAJIV JAYARAMAN, 665 Portofino Lane, Foster City, CA 94404, U.S.A.

(full name(s) and post office address(s) of inventor(s) (including country))

(hereinafter referred to as ASSIGNOR(S)), has made a discovery and/or invention entitled:

METHOD AND MECHANISM FOR PERFORMING A ROLLING UPGRADE OF  
DISTRIBUTED COMPUTER SOFTWARE

- ☒ for which application for Letters Patent of the United States has been executed on even date herewith,
- ☐ for which application for Letters Patent of the United States has been filed on \_\_\_\_\_, under Application No. \_\_\_\_\_, and

WHEREAS:

Oracle International Corporation, a corporation of California, having a business address of 500 Oracle Parkway, Mail Stop 50P7, Redwood Shores, CA 94065

and which, together with its successors, assigns, and legal representatives, is hereinafter referred to as ASSIGNEE, is desirous of acquiring the entire right, title and interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S) hereby sells, assigns and transfers to ASSIGNEE, the full and exclusive right, title and interest to said discovery or invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, continuation-in-part, divisional, reexamination, renewal, substitute, reissue and/or any application claiming priority thereof, including any legal equivalent thereof, in a foreign country for the full term or terms for which the same may be granted.

I, SAID ASSIGNOR(S), hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any Official of any country or countries foreign to the United States of America whose duty it is to issue Letters Patent on applications as

Oracle Matter No.

**OID-2002-179-01**

PA:52129034.1/2021039-7030492001

aforesaid, to issue all such Letters Patent for said discovery or invention to the ASSIGNEE, as assignee of the entire right, title and interest in, to and under the same, for the sole use and benefit of the ASSIGNEE in accordance with the terms of this instrument.

I, SAID, ASSIGNOR(S), hereby covenant with ASSIGNEE that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that I have full right to convey the entire right, title and interest herein sold, assigned, transferred and set over;

AND I, SAID ASSIGNOR(S) hereby further covenant and agree that the ASSIGNEE may apply for foreign Letters Patent on said discovery or invention and claim the benefits of the International Convention, and that I will, at any time, when called upon to do so by the ASSIGNEE communicate to the ASSIGNEE as the case may be, any facts known to me respecting said discovery or invention, and execute and deliver any and all lawful papers that may be necessary or desirable to perfect the title to the said discovery or invention, the said applications and the said Letters Patent in the ASSIGNEE and that if reissues or reexaminations of the said Letters Patent or disclaimers relating thereto, or divisionals, continuations, continuation-in-parts of the said applications shall hereafter be desired by the ASSIGNEE, I will, at any time, when called upon to do so by the ASSIGNEE sign all lawful papers, make all rightful oaths, execute and deliver all such disclaimers and all divisional, continuation, continuation-in-part, reexamination, and reissue applications so desired, and do all lawful acts requisite for the application for such continuations, continuation-in-parts, divisionals, reexaminations, or reissues and the procuring thereof and for the filing of such disclaimers and such applications, and generally do everything possible to aid the ASSIGNEE to obtain and enforce proper patent protection for said invention or discovery in all countries, all without further compensation but at the expense of the ASSIGNEE.

**Inventor(s): Please Sign and Date Below:**

(1) Alok K. Srivastava  
ALOK KUMAR SRIVASTAVA

Date: 3/5/04

(2) Rajiv Jayaraman  
RAJIV JAYARAMAN

Date: March 4, 2004